

INTRODUCTION OF E-FORM ACTIVE (ACTIVE COMPANY TAGGING IDENTITIES AND VERIFICATION) BY THE INDIAN MINISTRY OF CORPORATE AFFAIRS

Ministry of Corporate Affairs vide its Notification dated 21st February, 2019 under Companies (Incorporation) Amendments Rules, 2019 has introduced a new requirement of filing Form INC-22A, also known as Form ACTIVE (Active Company Tagging Identities and Verification). Every Company incorporated on or before the **31st December, 2017** shall file the particulars of the Company and registered office in e-form ACTIVE **on or before 25th April, 2019**.

WHAT IS E-FORM ACTIVE?

There are some Companies in India which are operating only on paper i.e Shell Companies which are used as vehicle for various financial manoeuvres. To find out such Companies, Ministry of Corporate Affairs (MCA) have introduced a Form which is called as E-Form ACTIVE.

The main purpose of this Form is to strengthen the Corporate Governance and force all Companies to meticulously comply with the Rules and Regulations as prescribed by the Ministry.

IMPORTANT ASPECTS OF THE NOTIFICATION

1. Effective date of notification is 25th February, 2019 and the last date of filing the form is 25th April, 2019.
2. Status of Director Identification Number (DIN) of Directors must be "Approved" at the time of filing, which means that DIN is not deactivated due to non-filing of DIR-3KYC.
3. Comprehensive details of Company including complete address of Registered office, details of all the Directors, Manager, Chief Executive Officer, Chief Financial Officer, Company Secretary, Statutory and Cost Auditor of the Company are required to be reported in this Form.
4. *Photograph of the Registered Office (showing external building & inside office also showing therein at least one Director/Key Managerial Personnel who will affix his/her Digital Signature to the e-Form) is a mandatory attachment to this form.*
5. For verification of Form, one OTP will be generated on the Email ID of the Company, which will have a limited time validity of 30 minutes.
6. Company which has not filed its due financial statements or due annual returns or both with the Registrar shall be restricted from filing form ACTIVE (unless such company is under management dispute and the Registrar has recorded the same). **These Companies shall first complete their Annual filing till Financial Year 2017-18 and then file form ACTIVE.**
7. Companies which have been struck off or are under process of striking off or under liquidation or amalgamated or dissolved, are not required to file e Form ACTIVE.

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CONSEQUENCES OF NON FILING

1. The Company will be marked as "**ACTIVE non-compliant**" on or after 26th April, 2019 and shall be liable for action through removal of name by the Registrar of Companies.
2. The Registrar of Companies will not accept the request for recording the following events:
 - Change in Authorised Capital
 - Change in paid up capital
 - Changes in Directorship
 - Change in Registered office
 - Amalgamation or De-merger

However, if a Company files e-Form ACTIVE on or after 26th April, 2019, the Company shall be marked as "ACTIVE Compliant" on payment of late fees of INR 10.000 (Rupees Ten Thousand).

HOW CAN OCTAGONA INDIA ASSIST

We will be glad to comply with this new requirement and complete this assignment for your company at a fee of INR 15.000 (Rupees Fifteen Thousand) + GST. Please feel free to contact the following persons of our team for further information and assistance:

Name & Designation	E-mail Id	Contact Number
Mr. Vishnu Krishna (Director)	v.krishna@octagona.com	91-11-41525077
Ms. Drishti Sharma (Practicing Company Secretary)	d.sharma@octagona.com	
Ms. Niyati Chawla (Associate Company Secretary)	octagona.cs@gmail.com	
Ms. Vandana Rawat (Assistant Company Secretary)	v.rawat@octagona.com	

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